

Deposition of John Lendum, taken September 27, 2017

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IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO - WESTERN DIVISION

SANDRA GOODSITE, )  
                      )  
                      )  
PLAINTIFF,         )  
                      )  
                      )  
                      ) JUDGE JEFFREY J. HELMICK  
vs.                 ) CASE NO. 3:16-cv-02486  
                      )  
                      )  
BOARD OF EDUCATION OF THE )  
NORWALK CITY SCHOOL     )  
DISTRICT,             )  
                      )  
DEFENDANT.          )

- - - - -  
THE DEPOSITION OF JOHN A. LENDRUM  
WEDNESDAY, SEPTEMBER 27, 2017  
- - - - -

The deposition of JOHN A. LENDRUM, called by the Plaintiff for examination pursuant to the Federal Rules of Civil Procedure, taken before me, the undersigned, Sarah R. Drown, Notary Public within and for the State of Ohio, taken at the offices of McCarthy, Lebit, Crystal & Liffman Co., LPA, 1800 Midland Building, 101 West Prospect Avenue, Cleveland, commencing at 10:03 a.m., the day and date above set forth.

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1 can't take it down if we're speaking at the  
2 same time. So if that should happen, I may go  
3 back and repeat myself, just so we're sure that  
4 we have a clear record, okay?

5 A Okay.

6 (Plaintiff's Exhibit 1 was marked.)

7 Q I am going to play a voicemail, and then I'm  
8 going to ask you some questions about it. I  
9 have had my assistant transcribe the voicemail  
10 and I'm handing you that now. It's been marked  
11 as Exhibit 1.

12 (Audio recording played.)

13 Q The first question that I have is: Was that  
14 your voice on the voicemail?

15 A Yes, it was.

16 Q Okay. Is that a voicemail that you left for  
17 Sue Goodsite?

18 A I left that message. That's my voice. I don't  
19 know what I left it on, but it's definitely me  
20 talking.

21 Q Does Lendum Exhibit 1 accurately transcribe  
22 what you said on that voicemail?

23 A Yes.

24 Q Did you write out what you were going to say  
25 before you said it?

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1 winning a designation as a School of Promise?

2 A I remember when Pleasant got a School of  
3 Promise designation, but I couldn't tell you  
4 when it was.

5 Q Was that something that was considered a  
6 positive?

7 MR. HIRT: Objection.

8 You can answer.

9 A Yes. Any time a school's recognized it's  
10 positive.

11 Q Was it kind of a big deal?

12 MR. HIRT: Objection.

13 You can answer.

14 A It's our school district. That would be a big  
15 deal, yes.

16 Q It got media attention, do you recall that?

17 A I recall some, yeah. I don't -- the details or  
18 what year, I can't exactly remember what  
19 happened, but at the time there was  
20 recognition, yes.

21 Q Prior to that, were you aware of any other  
22 school in Norwalk receiving that award?

## 23 A Not a School of Promise.

24 Q Has any school in Norwalk received that award  
25 since then?

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1 for the curriculum director position that was  
2 posted in 2006?

3 A That's what it appears to be, yes.

4 MR. HIRT: I'm sorry to  
5 interrupt. Could I get a copy, please?

6 MS. AHERN: Oh, I'm sorry.  
7 I wrote on it.

8 MR. HIRT: That's all  
9 right.

10 Thank you. You want to -- okay.

11 Q This is the position that Sue Goodsite was  
12 awarded?

13 A Yes.

14 Q Are you familiar with a man named Bob Duncan?

15 A Yes.

16 Q Is he part of the Rotary Club?

17 A No.

18 Q Is he part of the Shakespeare Club?

19 A No.

20 Q He had been the high school principal at one  
21 point?

22 A Yes.

23 Q Was it discovered at some point that he was not  
24 conducting fire drills?

25 A Yes.

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1 Q Was that a problem?

2 A It was a problem, yes.

3 Q How long had it been since -- like what period  
4 of time were fire drills not done?

5 A I can't answer that without going back and  
6 looking at, you know, some type of  
7 documentation.

8 Q Do you recall if it was a matter of years?

9 A I don't believe it was that long, but I  
10 couldn't tell you without looking at it.

11 Q Was it also discovered that he was chewing  
12 tobacco in the school?

13 A Yes. It was alleged that he was chewing  
14 tobacco in school.

15 Q Was that confirmed?

16 A I believe that he was counseled on chewing  
17 tobacco and that being inappropriate in the  
18 school at the time, but, again, I would have to  
19 go back and look at the documents.

20 Q Was it discovered that he was having an  
21 inappropriate relationship with another staff  
22 member during the time that he was principal of  
23 the high school?

24 MR. HIRT: Objection.

25 You can answer.

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1 truth, hard work and honesty are not rewarded.

2 I am willing to sit and clarify anything I have  
3 said contained within this letter. I know some  
4 will treat me very harshly. I am just tired  
5 and want all of the favoritism toward men and  
6 the 'network' of which I am obviously not a  
7 part to stop."

8 Did I read that correctly?

9 A Yes.

10 Q So you understood that -- refreshing your  
11 recollection, you understood that she believed  
12 that the motivation for this treatment was  
13 because of her sex?

14 MR. HIRT: Objection.

15 You may answer.

16 A That was her opinion in the letter.

17 Q There's nothing inappropriate in terms of the  
18 tone or what was communicated in this letter,  
19 do you agree?

20 MR. HIRT: Objection.

21 You can answer.

22 A No.

23 Q You don't agree?

24 A No.

25 Q Okay. What about the letter was inappropriate?

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1 Q How about generally?

2 A I just don't. I don't recall.

3 MS. AHERN: Off the record,  
4 please.

5 (Recess taken.)

6 BY MS. AHERN:

7 Q We're back on the record after a lunch break.

8 Mr. Lendum, this morning we discussed  
9 the notion generally of retire and rehire, and  
10 I want to kind of put a finer point on that,  
11 okay?

12 The term retire/rehire refers to a person  
13 who retires for purposes of drawing from their  
14 pension. Is that your understanding?

15 A Yes.

16 Q It doesn't mean that they've retired from  
17 working?

18 A Not necessarily.

19 Q Okay. Some people retire and draw a pension  
20 and stop working, is that your understanding?

21 A It's a personal choice.

22 Q Some people retire for purposes of drawing  
23 their pension and continue to work?

24 A Yes.

25 Q Okay. Am I correct in understanding that the

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1 Norwalk City School District throughout your  
2 tenure has had a number of individuals who have  
3 retired for purposes of taking pension and then  
4 were rehired by the district into another  
5 position? Or into the same position?

6 A Correct.

7 Q There's nothing legally that prevents a person  
8 from doing that, is that correct?

9 MR. HIRT: Objection.

10 You can answer.

11 A Not to my knowledge.

12 Q There's no prohibition against it?

13 A Not to my knowledge.

14 Q Are you familiar with a person named Dave  
15 Rehnborg?

16 A Yes.

17 Q Is he a person who was a retire/rehire?

18 A Yes.

19 Q He was a retire/rehire for -- he was in that  
20 rehire situation for a number of years, is that  
21 correct?

22 MR. HIRT: Objection.

23 You can answer.

24 A It was more than one. I'm not sure how many  
25 years it was.

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1 Q Is he still in that situation?

2 A No.

3 Q Okay. How about a person named Bob Gullett,  
4 are you familiar with him?

5 A Yes.

6 Q He was a high school math teacher?

7 A Yes.

8 Q Is it your recollection that he was a  
9 retire/rehire for a number of years?

10 A Yes.

11 Q Do you know how many years?

12 A I couldn't recall the exact number of years,  
13 no.

14 Q How about Paul Hiszem? I may be saying that  
15 wrong. Are you familiar --

16 A Close enough that I know who you're talking  
17 about.

18 Q Okay. He's a school psychologist?

19 A Yes.

20 Q Okay. Was he a person who was in a  
21 retire/rehire situation?

22 A Yes.

23 Q Do you know how long that situation lasted?

24 A I couldn't tell you the exact number of years.  
25 I know it was more than one.

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1 Q Sandusky is a community that's nearby Norwalk,  
2 correct?

3 A About 16 miles. Yes.

4 Q Do you have any understanding as to whether  
5 their superintendent has been on a  
6 retire/rehire?

7 A I have no knowledge of Sandusky at all.

8 Q All right. How about EHOVE's superintendent?  
9 And that's E-H-O-V-E.

10 A I have nothing to do with that. No knowledge  
11 there either.

12 Q You don't know?

13 A No.

14 Q All right. So kind of marching through things  
15 chronologically, is it your recollection that  
16 Wayne Babcanec and Michael Gordon retired at  
17 the same time?

18 A Close to each other, yes.

19 Q Is it your recollection that that happened in  
20 about 2009?

21 A I have to take your word on that one. I can't  
22 remember if it's 2009 or 2010.

23 Q All right. Let's look at a document that might  
24 help.

25 (Plaintiff's Exhibit 20 was marked.)

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1 Q Lendum 26.

2 Do you recognize Lendum 26 as an email  
3 exchange between Steve Linder, Denny Doughty,  
4 and the remainder of the Board?

5 A Yes.

6 Q Steve Linder's talking about some cost savings  
7 that might be associated with retire/rehire as  
8 it relates to teachers?

9 A Yes.

10 Q And then in the top, you respond, correct?

11 A Yes.

12 Q You say in the middle of that paragraph, "We  
13 can argue the dollars but it appears we have a  
14 fundamental difference on rehires as a matter  
15 of policy."

16 And then you write, "While every  
17 situation is different, when it makes sense for  
18 the district to rehire we have to look at it.  
19 In my opinion this could be financial or  
20 because the person has a set of skills we  
21 need."

22 Did I read that correctly?

23 A Yes.

24 Q Was that your opinion?

25 A At the time I wrote it, that was my opinion,

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1 yes.

2 Q Does that remain your opinion?

3 A Yes. While every situation is different, you  
4 have to look at each case individually.

5 (Plaintiff's Exhibit 27 was marked.)

6 Q Turning to Lendum Exhibit 27.

7 Let me know when you're ready.

8 A Okay. I'm ready.

9 Q Do you recognize Lendum Exhibit 27 as an email  
10 from Denny Doughty to the Board regarding the  
11 assistant superintendent position in July of  
12 2011?

13 A Yes.

14 Q So this is after Crooks had left?

15 A Yes.

16 Q He was advocating that as an option that the  
17 curriculum director and assistant  
18 superintendent position could be combined?

19 A Yes.

20 Q Did you agree that doing so was a potential  
21 cost savings?

22 A Yes.

23 Q Steve Linder at the top writes, "I see a  
24 potential savings of nearly \$100,000."

25 Do you see that?

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1           Do you recognize Lendum 35 as the job  
2           description that applies to the superintendent  
3           position?

4   A   Yes.

5   Q   Turning to where it says "Minimum  
6           Qualifications" and "Physical Requirements."

7   A   Yes.

8   Q   Do you agree that Sue Goodsite meets those  
9           minimum qualifications?

10   A   Yes.

11   Q   And physical requirements?

12   A   Yes.

13   Q   A decision was made in 2014 to utilize the  
14           services of North Point Educational Service  
15           Center to help fill the superintendent  
16           position, is that correct?

17   A   Yes.

18   Q   So you were working with Doug Crooks again?

19   A   Yes.

20   Q   Do you have a good relationship with Doug  
21           Crooks?

22   A   I think so.

23           (Plaintiff's Exhibit 36 was marked.)

24   Q   I'm handing you what's been marked as Lendum  
25           36.

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1 (Plaintiff's Exhibit 37 was marked.)

2 Q I'm handing you what's been marked as Lendum  
3 Exhibit 37.

4                   Do you recognize Lendum Exhibit 37 as  
5                   Sue's application?

6 A It appears to be so.

7 Q Did you review it at the time that you received  
8 it?

9 MR. HIRT: Objection.

10 You can answer.

11 A I reviewed the application that I was given at  
12 the time, yes.

13 Q Would you agree that Sue has impressive  
14 educational credentials?

15 MR. HIRT: Objection.

16 You can answer.

17 Q In terms of her own education and schooling.

18 MR. HIRT: Objection.

19 You can answer.

20 A Yes.

21 Q Do you agree that Sue had impressive community  
22 leadership activities?

23 MR. HIRT: Objection.

24 You can answer.

25 A And the definition of "impressive" is?

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1 Q Well, did you find --

2 A Sue had significant leadership activities  
3 outside of the school.

4 Q Did you review the performance evaluations that  
5 Sue submitted in connection with her  
6 application?

7 A I reviewed everything that was in the  
8 application that was given to me, yes.

9 Q Would you agree that her performance  
10 evaluations were favorable?

11 A Yes.

12 Q Do you agree that Sue had a long history of  
13 employment to the Norwalk City School District?

14 A Yes.

15 Q Would you agree that Sue had significant ties  
16 to the Norwalk community?

17 A Yes.

18 Q Did you understand that Sue really wanted the  
19 job of superintendent?

20 MR. HIRT: Objection.

21 You can answer.

22 A Yes.

23 Q During the time that Sue was assistant  
24 superintendent and curriculum director, are you  
25 aware of any task that she did not complete to

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1 proficiency?

2 MR. HIRT: Objection.

3 You can answer.

4 A I don't know what the term "proficiency" means.

5 She performed her job well.

6 Q Okay. I'm just wondering if there was anything  
7 in her performance of that role that you recall  
8 as lacking.

9 A No.

10 Q So the process for this search was that the  
11 applicants had to send their application  
12 packets to North Point Educational Service  
13 Center, is that correct?

14 A Yes.

15 Q According to the job posting that is Lendum  
16 36, the application deadline was June 27, 2014?

17 A Yes.

18 Q And then the North Point Educational Service  
19 Center compiled all of the applications, is  
20 that correct?

21 A Yes.

22 Q Did they send the applications to the school  
23 board?

24 A Yes. They made a presentation.

25 Q All right. They came and they presented the

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1       Sue Carlson is likely going to take the EMIS  
2       job at Perkins. An \$11,000 increase. That  
3       will be another hard hole to fill. Scott Ford  
4       saw Denny and said he would be at the meeting  
5       Tuesday to encourage the Board to hire Sue as  
6       Superintendent. See you Tuesday evening if not  
7       before."

8                  Did I read that correctly?

9   A   Yes.

10   Q   Would you agree that the resignation of Sue  
11       Carlson is business pertaining to the Board?

12                  MR. HIRT:                   Objection.

13                  You can answer.

14   A   At that point it was information that I had,  
15       but it's not an action.

16   Q   It's not a discussion about matters that affect  
17       the Board?

18                  MR. HIRT:                   Objection.

19                  You can answer.

20   A   I don't consider it that.

21   Q   Who's Scott Ford?

22   A   Scott Ford is a community member.

23   Q   Does he have any connection to the schools?

24   A   A former teacher.

25   Q   Did he come to the meeting to advocate the

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1 hiring of Sue as superintendent?

2 A He came to a meeting and advocated for Sue to  
3 be hired. I don't remember whether it was 2014  
4 or 2015.

5 (Plaintiff's Exhibit 40 was marked.)

6 Q Lendrum 40.

7                   Does Lendrum 40 refresh your  
8                   recollection --

9 A Yes.

10 Q -- that it was 2014 when Scott Ford appeared at  
11 the Board meeting to advocate hiring Sue?

12 A Yes.

13 Q Did you have any reason to doubt anything that  
14 Scott Ford was saying at that meeting?

15 MR. HIRT: Objection.

16 You can answer.

17 A No.

18 Q Was there any other candidate that got public  
19 support during the 2014 search?

20 MR. HIRT: Objection.

21 You can answer.

22 A I don't believe there was anybody else that had  
23 public participation support for the position.

24 Q By June 14, is it fair to say that you knew  
25 that Sue Goodsite would be applying for the

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1 Q He had been sued?

2 A There was some pending litigation that he was  
3 related to in his time as a superintendent, and  
4 the Board did not want to go down that road.

5 Q My question is: Was he the person who brought  
6 the litigation or --

7 A No.

8 Q Okay. The litigation was brought against him?

9 A My recollection is that it was  
10 misconduct-related.

11 Q Looking back at Lendum Exhibit 38, the  
12 superintendent search log, is it fair to say  
13 that Will Folger did not go through the  
14 application process in the manner that these  
15 applicants who are on 38 did?

16 MR. HIRT: Objection.

17 You can answer.

18 A Will did not go through this process, no.

19 (Plaintiff's Exhibit 43 was marked.)

20 Q I'm handing you what's been marked as Lendum  
21 Exhibit 43.

22 Do you recognize Lendum Exhibit 43 as a  
23 newspaper article --

24 A Yes.

25 Q -- from July 13, 2014?

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1 A Yes.

2 Q Was it true that Patrick Colucci did not want  
3 you to call his current employer?

4 A He had asked that his current employer -- my  
5 recollection is he asked his current employer  
6 not be called unless he was on a -- what's the  
7 word I'm looking for. A finalist.

8 Q Okay. Did you abide by that request?

9 A I believe so.

10 Q So turning back to Lendum 49, is it your  
11 recollection that your first interview with Sue  
12 Goodsite did occur on July 15?

13 A I think that's probably correct. Without  
14 seeing the supporting document, that sounds  
15 right.

16 Q Do you know if you took notes of that meeting?

17 A Whatever notes I had from that, I provided.

18 Q That's not my question.

19 My question is: Did you take notes  
20 during Sue Goodsite's interview?

21 A I'm sure that I did.

22 Q Were the notes on a notepad or a notebook or  
23 loose pieces of paper? How were they kept?

24 A Probably a combination of all three.

25 (Plaintiff's Exhibit 56 was marked.)

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1 A No.

2 Q "36 years here" is the next line?

3 Is that right?

4 A Yes.

5 Q She's referring to her time in Norwalk?

6 A Yes.

7 Q Next line, it says, "Loyal"?

8 A Yes.

9 Q And then it says, "unless writing letters"?

10 A Yes.

11 Q Is that a reference to the 2008 letter?

12 A I don't know that.

13 Q Do you know what that refers to?

14 A No.

15 Q Are you aware of any other letter that Sue  
16 Goodsite sent you?

17 A Over the course of the time I'm on the Board,  
18 there was quite a bit of correspondence from  
19 Sue, but I'm not -- I don't know if that  
20 relates to a specific one or not.

21 Q It says, "Impressed with district loyalty"?

22 A Yes.

23 Q Was that your impression?

24 A I don't know what the thought was when I wrote  
25 that.

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1 Q It says, "2008 threatened lawsuit. Coached on  
2 answer"?

3 A Yes.

4 Q Was she asked about threatening a lawsuit in  
5 2008?

6 A My recollection is that it was brought up in  
7 the interview.

8 Q Who brought it up?

9 A I don't remember.

10 Q What about her --

11 A I remember discussing it.

12 Q What was discussed?

13 A The 2008 document.

14 Q The April letter --

15 A Yes.

16 Q -- that we looked at this morning?

17 A And my recollection is that she addressed that  
18 in her interview.

19 Q Why was that relevant to your hiring in 2014?

20 MR. HIRT: Objection.

21 You can answer.

22 A My recollection is that she thought it was  
23 important that that be explained. I don't  
24 believe the Board brought it up.

25 Q Well, then how would she be coached on an

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1 Q Do you recall why he said he would not  
2 recommend Sue?

3 A He told me that he felt she was just not right  
4 for the position of superintendent.

5 Q Did he elaborate?

6 A He told me that he thought she was a good  
7 curriculum director but that she didn't have  
8 some of the skill sets needed to do the other  
9 things a superintendent had to do.

10 Q Did he say which skill sets she lacked?

11 A I think it was related to interpersonal.

12 Q Do you definitely recall that?

13 A I could not give you a list of five things that  
14 he gave me during the conversation.

15 Q Could you give me a list of any of the things?

16 A His recommendation was that she should not be  
17 hired as superintendent.

18 Q Did it weigh into your -- the way you evaluated  
19 that recommendation that Sue had accused him of  
20 being discriminatory towards her?

21 MR. HIRT: Objection.

22 You can answer.

23 A I don't believe so, because we didn't talk  
24 about that. It was just his opinion.

25 Q Anything more specific that you recall about

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1           the content of his conversation, with Doughty.

2   A   Denny and I had a conversation. He did not  
3       believe that Sue was prepared to be  
4       superintendent, and some of the reasons he  
5       cited were that she was very good in her  
6       current job position as curriculum director and  
7       doing what she was doing, she did a nice job of  
8       that, but he doubted that she had the  
9       experience or temperament to deal with some of  
10      the hard issues that a superintendent was  
11      required to do, which included, you know,  
12      negotiations, financial, dealing with some of  
13      the people issues. He just didn't think that  
14      she was ready for that. It was not a comment  
15      on her current job performance or what she was  
16      doing, that was just his opinion.

17   Q   Did he use the word -- did he say "She's not  
18       qualified" or did he say "She didn't have the  
19       experience and temperament"?

20   A   I don't recall him using the phrase "not  
21       qualified."

22   Q   Okay.

23   A   But in the course of our conversation, it was  
24       clear to me that he would not recommend her for  
25       the superintendent's position.

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1 Q For the reasons that you've already cited?

2 A Yes.

3 Q Were there any other reasons that he cited?

4 A I don't recall there being anything else in the  
5 conversation.

6 (Plaintiff's Exhibit 60 was marked.)

7 Q Lendum 60.

8 You then asked him to share his comments  
9 with the rest of the Board?

10 A Yes.

11 Q Is there anybody else that you talked to with  
12 respect to whether they would recommend Sue  
13 Goodsite for the position of superintendent?

14 A Virginia Poling.

15 Q Okay. You talked to her personally?

16 A Yes.

17 Q Where?

18 A I spoke to her at a Rotary Club meeting.

19 Q Okay. Virginia Poling had never worked with  
20 Sue while she was in Central Office, right?

21 A Virginia was superintendent when Sue was  
22 principal at Pleasant Street. There was some  
23 time lag there. I don't think Sue had yet. We  
24 went through that earlier. I can't remember  
25 the date. I don't know if Sue -- I don't

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1 believe Sue had gone from Pleasant Street to  
2 the Central Office before Virginia retired.

3 Q Okay. So --

4 A So it would have been as a building  
5 administrator.

6 Q Virginia's most recent experience with Sue  
7 would have been in 2002, is that your  
8 recollection?

9 MR. HIRT: Objection.

10 You can answer.

11 A Virginia retired in 2002, yes.

12 Q Do you know whether she had any professional  
13 interaction with Sue in the 12 years between  
14 her retirement and this application?

15 A I wouldn't have any way of knowing whether she  
16 talked to Sue or not.

17 Q How is it that you came to talk to Virginia  
18 Poling about Sue's candidacy? You saw her at  
19 the meeting and you asked?

20 A I did not ask. She told me.

21 Q Okay. What did she tell you?

22 A She told me that she did not think that Sue  
23 would make a good superintendent.

24 Q Did she say why?

25 A She said that she thought she did not deal with

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1       people very well and that she would not be  
2       someone that would be able to handle all of the  
3       aspects of the district, that she was very good  
4       at doing some things, but that she would not be  
5       a person that could do the entire job and what  
6       was required of it.

7   Q   Was there anybody else there when you had this  
8       conversation?

9   A   There were other people in the room, but I  
10      don't know if anybody was part of the  
11      conversation.

12   Q   So you were in a big open room having this  
13      conversation with her?

14   A   We were sitting at lunch.

15   Q   Okay. With all of the other Rotary Club  
16      members?

17   A   Table conversation.

18   Q   Anything else that Virginia Poling said  
19      regarding Sue Goodsite's candidacy?

20   A   No.

21   Q   Do you remember when this conversation  
22      occurred?

23   A   I cannot give you an exact date, but it had to  
24      be at some point when this -- after the  
25      candidates were announced.

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1 Q Is there anybody else that you talked to about  
2 Sue's candidacy?

3 A Not specifically about her candidacy, no.

4 Q Okay. About anything else relating to Sue?

5 A No.

6 Q And then at some point you had the applicants  
7 back for second interviews, is that correct?

8 A Yes.

9 Q You had all three applicants back for second  
10 interviews?

11 A That's my recollection, yes.

12 (Plaintiff's Exhibit 61 was marked.)

13 Q Lendum Exhibit 61.

14 This is an email between you and Doug  
15 Crooks regarding second interviews?

16 A Yes.

17 Q At the bottom, it indicates that they were set  
18 for interviews on July 22, Jim and Patrick  
19 were?

20 A Yes.

21 Q He informed them of the topics that you wanted  
22 to discuss?

23 A Yes.

24 Q So they were aware of some of the questions  
25 that they would be asked before they were asked

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1 example, "How do you bring the unwilling or  
2 incapable along?" That's a pretty consistent  
3 question I was asking. So some of this is  
4 probably from the 7/22 interview.

5 Q Who's Todd Porcello?

6 A I don't know if it was a reference. I  
7 jotted -- that's something that might be after  
8 the fact. And I think the scribble at the  
9 bottom might be from after the fact, but I'm --  
10 I can't say with any certainty what this is  
11 saying.

12 Q Do you recall calling Sue Goodsite on July 26,  
13 2014, which was a Saturday, and leaving a  
14 voicemail message?

15 A Sorry. I --

16 Q Here. You don't have to take my word for it.  
17 That's the day of the week.

18 A I'm just trying to get the days of the week  
19 straight. I called her on a Saturday after  
20 Board -- yes. I called her on Saturday. I did  
21 not get her.

22 Q What are you looking at on your phone, out of  
23 curiosity?

24 A The date on the calendar to make sure that was  
25 a Saturday.

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1 Q Okay. And you left a voicemail message?

2 A Yes.

3 Q Okay. And then she returned your call on  
4 Sunday, July 27?

5 A Yes.

6 Q Do you have notes from that conversation?

7 A I do not. There were no notes taken of that  
8 conversation.

9 Q What was the purpose of that call?

10 A That call was to tell her that it appeared that  
11 we were going to some type of interim situation  
12 because we did not have a clear superintendent  
13 choice.

14 Q So this was after Millet had declined?

15 A Yes. That was on Saturday morning in a  
16 conversation that Ralph Ritzenthaler and I had  
17 with him at the Board office. He declined.

18 Q So Millet came to the Board office?

19 A No.

20 Q Okay.

21 A The Board met on Saturday and Ralph and I were  
22 to get there early, talk to Millet and go over  
23 an offer and iron out the details. And our  
24 intent was to try and have that discussion with  
25 him on Saturday and arrive at a Board consensus

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1           morning, I had not made a decision.

2   Q    What happened next?

3   A    The Board decided we needed to check out the  
4       interim. We had a discussion about Sue. We  
5       had a discussion about Will Folger, which at  
6       that point nobody had talked to, nobody had  
7       seen face-to-face, nobody knew anything. We  
8       decided that we needed to interview him and  
9       talk to him.

10           I was told to call Sue, which we tried to  
11      do before the Board left. The message that I  
12      left her on Saturday was from the Board office.  
13      That was with the Board members there.

14           She called me back on Sunday morning and  
15      the question was the same that we asked  
16      earlier: Would you accept an interim, if so,  
17      you know, salary, one-year contract, the whole  
18      nine yards. And that's what I was asked to  
19      follow up.

20   Q    Did you mention to her that Will Folger was  
21      being considered as an assistant  
22      superintendent?

23   A    I told her that we were going to interview Will  
24      Folger.

25   Q    Did you understand that -- did you tell her

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1       that you were interviewing Will Folger for an  
2       assistant superintendent position?

3   A   I don't recall my exact wording, but I told her  
4       that at that time no decision had been made by  
5       the Board. I asked her would she be willing to  
6       serve as an interim and that Will Folger was  
7       going to be interviewed.

8   Q   Did you tell him what position he was being  
9       interviewed for?

10   A   I don't recall when I talked to Will if he was  
11       told specifically what he was being interviewed  
12       for.

13   Q   Did you have another call with Sue the  
14       following day?

15   A   I had a call with Sue on Sunday.

16   Q   Okay. What about Monday? Do you recall Sue  
17       called you on Monday?

18   A   The calls run together. I remember Sue -- I  
19       don't remember if it was Sunday or Monday that  
20       Sue and I spoke again. She asked me if she  
21       needed to come back, if she needed to be  
22       present for the Board meeting. She was on  
23       vacation in southern Ohio. She asked me if she  
24       needed to be present for the Board meeting  
25       where Will was coming in to talk to the Board.

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1       Did she need to come back for that, was there a  
2       reason for her to come back for that. My  
3       recollection is I told her he was coming for an  
4       interview and there would not be any action  
5       taken at that meeting and that she did not need  
6       to come back from vacation to do that.

7   Q   Do you recall when you talked to her on the  
8       Sunday that you were on the golf course?

9   A   Yes.

10   Q   Do you recall telling her that she should  
11      follow up the next day because you needed to  
12      review your notes that you didn't have with you  
13      on the golf course?

14   A   I remember telling her that I was on the golf  
15      course and that she should call me on Monday  
16      when she had time.

17   Q   Do you recall telling her that you wanted to  
18      have your notes in front of you to make sure  
19      that you hadn't missed anything?

20   A   I don't remember that specifically.

21   Q   Do you recall telling Sue that as interim  
22      superintendent, all decisions regarding the  
23      district would end -- if she got the position,  
24      would end on her desk?

25   A   Say what now?

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1 Q Do you recall telling Sue that all final  
2 decisions regarding the district would end at  
3 her desk?

4 MR. HIRT: Objection.

5 That's a different question than the one you  
6 just asked.

7 MS. AHERN: It is a  
8 different question.

9 A If she got which job now?

10 Q Let me ask you this: Do you recall using words  
11 to the effect, regardless of the position, "All  
12 decisions regarding the district will end at  
13 your desk"?

14 MR. HIRT: Objection.

15 A I don't recall that language. I'm not sure  
16 what context you're talking about or why.

17 Q Do you --

18 A I'm not sure where you're going with that  
19 question.

20 Q Do you recall telling Sue that there would be  
21 no need for her to attend the Board meeting  
22 because it would be a five-minute meeting, or  
23 words to that effect?

24 A What I recall telling her was the meeting where  
25 Will Folger was coming in, that there would be

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1 no action taken and that there wouldn't be any  
2 other business done at the meeting other than  
3 him coming in, so there would be no reason for  
4 her to come back. There were not going to be  
5 any other business conducted other than Will  
6 Folger coming in related to her hire.

7 (Plaintiff's Exhibit 74 was marked.)

8 Q Lendum 74.

9 Do you recognize Lendum 74 as an email  
10 exchange between you and Doug Crooks?

11 A Yes.

12 Q Dated July 28, 2014?

13 A Yes.

14 Q So that was a Monday?

15 A Yes.

16 Q He's saying, "What's the word on the  
17 superintendent?"

18 A Yes.

19 Q You respond, "I will call you too lengthy to  
20 write."

21 A Yes.

22 Q Do you recall what you talked about with him?

23 A He knew we were meeting Saturday, and I think  
24 he fully expected we would have had a decision  
25 on Saturday. And that's what he wanted to

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1 know, was there a decision. And I just told  
2 him it would be easier to call you than it is  
3 to write it to relate to him what had happened.

4 (Plaintiff's Exhibit 75 was marked.)

5 Q I handed you what's been marked as Lendum 75.

6 Are those your notes?

7 A Yes.

8 Q Are these your notes of your interview with  
9 Will Folger on July 28?

10 A Again, there may be some things that are  
11 written on here after the 28th.

12 Q Okay. It says, "Retire rehire double dip."

13 A Yes.

14 Q Will Folger was in a retire/rehire situation?

15 MR. HIRT: Objection.

16 You can answer.

17 A Yes. He had retired.

18 Q Is that what that refers to, that note?

19 A Yes.

20 Q It says, "JD current."

21 Was that the question?

22 A He has a juris doctor.

23 Q But it was not active?

24 A It was not active, right. He had a degree in  
25 education law and he was not currently

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1           practicing.

2   Q   Do you know if he ever practiced?

3   A   I believe he did for a brief while, but I  
4           couldn't swear to that.

5   Q   The next line says, "Current law, education  
6           side."

7           Do you know what that means?

8   A   I think it was in relation to his degree. I'm  
9           not sure what that ...

10   Q   What does the next line say?

11   A   "Interim - easier for change and to clean up."

12   Q   What does the next line say?

13   A   "Work for five of us, not just one."

14   Q   Was that his response to the question about  
15           whether he would be okay with a split Board?

16   A   Yes.

17   Q   Do you recall --

18   A   I believe so.

19   Q   Go ahead.

20   A   Yes, I believe so.

21   Q   Do you recall Will Folger being asked about  
22           whether he would serve in the role as assistant  
23           superintendent if Sue were named interim  
24           superintendent?

25   A   I believe he was asked that before this

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1 meeting.

2 Q And he was agreeable to that?

3 A He was agreeable to serve in whatever capacity  
4 he was needed was my understanding.

5 Q Do you recall he said "If I work as assistant  
6 superintendent, I want the salary that Sue  
7 Goodsite has" and "If I work as superintendent,  
8 I want the salary that Denny had"?

9 A I don't recall that specifically, no.

10 Q It says, "Denny at 110."

11 A Yes.

12 Q That was Denny's salary?

13 A Yes.

14 Q And then "127 pickup pickup - 133, 134."

15 A Yes.

16 Q What's that?

17 A I think that would have been if there were  
18 pickup, what those dollar amounts would come  
19 out to, his total compensation.

20 Q Okay.

21 A But I'm not sure where that was scribbled from  
22 or who did the math or whether that was done at  
23 the time or done later.

24 Q What does the next line say?

25 A "Selling community" and "assistant super left."

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1           And I'm not sure what context that was in.

2   Q    That's not a reference to Sue Goodsite?

3   A    No. No.

4   Q    That's him talking about a previous experience?

5   A    I think it was a previous experience or  
6        something. That doesn't relate to Sue.

7   Q    It says, "Adjourn 2140."

8                 "Out 2150."

9                 Is that military time for when the  
10      meeting ended?

11     A    Yes.

12     Q    And then it says, "Call Sue."

13                 But you don't -- do you know whether the  
14      "Call Sue was" written at that time?

15     A    I do not know if it was written at that time or  
16      not.

17     Q    Do you recall that there was a reporter at the  
18      meeting when Will Folger was?

19     A    I think Cary Ashby was there, but I couldn't  
20      swear to that.

21                 (Plaintiff's Exhibit 76 was marked.)

22     Q    Lendum 76.

23                 Do you recognize Lendum 76 as a --

24     A    Featured product of the month?

25     Q    No.

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1 A Yes.

2 Q It says, "John

3                   Excellent work on your selection of the  
4 superintendent. Dr. Folger will do a very good  
5 job for the" residents, it's a grammatical  
6 mistake, but "the residents of Norwalk."

7 A Yes.

8 Q What does your reply to him mean?

9 A I think it's misspelled. I think I say "I'll  
10 call you. I'd like to talk through this one."

11 Q At that point what was there to talk about?

12 A At that point I think I was trying to close the  
13 loop on the process and what would be done.  
14 And, you know, there had been a selection made,  
15 so I'm not sure that there was anything else to  
16 talk about, but obviously I said I'd call him.

17                   (Plaintiff's Exhibit 81 was marked.)

18 Q Lendum 81.

19                   Do you recognize Lendum 81 as an email  
20 that was forwarded to you from Rob Ludwig?

21 A Yes.

22 Q Melissa James was the president of the Chamber  
23 of Commerce?

24 A Yes.

25 Q Is she someone that you know in the community?

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1 review, cut and paste in.

2 Q Was it finalized?

3 A I don't believe this was ever finalized.

4 Q Do you know why?

5 A I suspect that it was just overcome by events.

6 There were copies of it kicking around and to  
7 my knowledge, it never became final.

8 Q So was it ever given to Folger?

9 A He may have seen a copy of it.

10 Q Did you give him a copy of it?

11 A I may have.

12 Q Do you recall as you sit here today?

13 A Can I say for sure that I gave him a copy of  
14 it, no.

15 (Plaintiff's Exhibit 84 was marked.)

16 Q Lendum 84.

17 Do you recognize this as Will Folger's  
18 employment application?

19 A Yes.

20 Q Is this the first time that he made application  
21 to the district?

22 A Yes.

23 Q He did not have to go through North Point, is  
24 that correct?

25 A He did not go through North Point, no.

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1 role as an assistant superintendent/curriculum  
2 director?

3 A Yes.

4 Q Did she do a good job during that school year?

5 A She did the things that she needed to do, you  
6 know, to perform her job. She kept things  
7 moving. She attended meetings.

8                    You know, I don't have anything that --  
9                    in the course of Dr. Folger's time, she had  
10                  some constraints because of her contract days.  
11                  So, you know, it wasn't that she was there  
12                  every day, but that was understood when she was  
13                  hired. And the length of the contract she was  
14                  on.

15 So, you know, she was creative about how  
16 she had to cover the days she needed to cover  
17 in order to meet her objectives. I don't --

18 Q So you don't have any criticisms in the way she  
19 performed in that year?

20 A No. I don't have something specific in that  
21 year, no.

22 Q Was there any intention of employing Sue beyond  
23 that year?

24 MR. HIRT: Objection.

25 You can answer.

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1 A I don't recall any discussion about employing  
2 her beyond that year. She was in the second  
3 year of retire/rehire, and I don't recall any  
4 discussion at the time that Will was hired  
5 about a contract longer than a year.

6 Q My question wasn't about whether there was  
7 discussion. My question is whether there was  
8 any intention of keeping her beyond that year.

9 A I don't recall any intention or discussion on  
10 hiring her beyond that year at the time she was  
11 hired.

12 Q You understood, though, that Sue wanted to  
13 continue on with the district, is that correct?

14 MR. HIRT: Objection.

15 You can answer.

16 A She had told us that she wanted to continue on  
17 in the district.

18 Q And then she applied for the 2015  
19 superintendent job?

20 A Yes, she did.

21 Q That was an indication she wanted to continue  
22 on with the district?

23 A Yes.

24 Q Do you think that when she applied for the job  
25 in 2015 she really wanted the job?

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1 MR. HIRT: Objection.

2 You can answer.

3 A I don't think she would have applied if she  
4 didn't want it.

5 Q In 2015 you decided to use the Ohio State --

6 A Ohio School Boards Association.

7 Q Ohio School Boards Association?

8 A Yes.

9 Q You worked with a woman named Cheryl Ryan who  
10 coordinated that search?

11 A Yes.

12 Q Do you recall that Cheryl Ryan and the Ohio  
13 School Boards Association put together a time  
14 frame for the hiring process?

15 A Yes.

16 (Plaintiff's Exhibit 90 was marked.)

17 Q I'm handing you what's been marked as Lendum  
18 90.

19 Do you recognize that as the time frame  
20 that was developed?

21 A I believe it has to be. I don't recall it  
22 specifically, but there was a time length  
23 involved. I don't know if we stuck to this  
24 when it was final said and done, but this was  
25 the plan.

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1 presented with this. I remember her going  
2 through each individual candidate, but I don't  
3 remember what she had for numerical ranking or  
4 order of each candidate.

5 Q Okay.

6 A If you have that, I would be happy to look at  
7 it.

8 (Plaintiff's Exhibit 98 was marked.)

9 Q Lendrum 98.

10 A I bet you just so happen to have it.

11 Q Have you seen Lendum 98 previously?

12 A This looks more like it.

13 Q Lendrum 98 is a consolidated list of the  
14 applicants, is that correct?

15 A Yes.

16 MR. HIRT: Objection.

17 You can answer.

18 Q Are those the candidates that she recommended  
19 be interviewed?

20 A This was who they felt fit what we needed, that  
21 we should recommend -- or that we should  
22 interview, yes.

23 Q Now looking at that where it says under "Jay  
24 Arbaugh," for instance, it says, "Scored 1, 1-,  
25 1-."

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1                   Do you see that?

2   A   Yes.

3   Q   Does that refresh your recollection as to  
4       whether she had numerical rankings for at least  
5       some of the candidates?

6                   MR. HIRT:                   I'm going to  
7       object.

8                   You can answer.

9   A   I don't remember.

10   Q   Is it fair to say that the numerical rankings  
11      that OSBA assigned, if they assigned them, did  
12      not play much of a role in your decision  
13      making?

14                   MR. HIRT:                   Objection.

15                   You've not established that they did a  
16      numerical ranking.

17                   MS. AHERN:                   I said "if."

18   A   OSBA went through and screened it. They gave  
19      us these numbers and then the Board got the  
20      packet. We listened to her, and then the Board  
21      made a determination of who they were going to  
22      interview. I'm not sure that I have a context  
23      of what the numbers meant.

24   Q   Under "George Fisk," among other things, it  
25      says, "Mid career."

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1 interviewees appears?

2 A Yes.

3 Q Does that refresh your recollection as to how  
4 many people were selected for interviews?

5 A Yes.

6 Q The second page, it says, "Following that  
7 meeting, board president John Lendum shared  
8 with the Reflector what he and the rest of the  
9 board were looking for in the applicants."

10 Did I read that correctly?

11 A Yes.

12 Q It says, "The board wanted longevity before  
13 retirement."

14 Is that an accurate quote?

15 A Yes.

16 Q The next page, it says in quotes, "'One of the  
17 things that came out of the community meetings  
18 was some longevity ... not someone who would be  
19 here two years and be out,' Lendum said."

20 A Yes.

21 Q Is that an accurate quote?

22 A Yes.

23 Q Then it goes on to say -- skip a paragraph.  
24 "'We're looking at someone mid-career,' Lendum  
25 said."

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1 A Yes.

2 Q This was after George Fisk had started?

3 A Yes.

4 Q And then it says, "The Assistant Super is our  
5 next challenge as we need to get something in  
6 place for the fall."

7 A Yes.

8 Q Did you understand on June 5, 2015 that Sue  
9 Goodsite would not be remaining in that role?

10 A No.

11 Q Then what did you mean by "we need to get  
12 something in place for fall"?

13 A Because we didn't have anybody.

14 Q Okay. What about Sue?

15 A Well, at that point she's on a one-year  
16 contract.

17 Q She could have been renewed, though, right?

18 A She could have --

19 MR. HIRT: Objection.

20 You can answer.

21 A Yes, she could have been, but at that point she  
22 wasn't yet.

23 Q Did the Board ever ask her if she would  
24 consider staying?

25 A She made it known on numerous points in time

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1 that she would stay.

2 Q That she would stay?

3 A Yes, that she would stay. The Board was aware  
4 that she would stay.

5 Q And the Board chose to not have her stay?

6 MR. HIRT: Objection.

7 You can answer.

8 A The Board did not offer a contract for her to  
9 stay, no.

10 Q Why?

11 MR. HIRT: Objection.

12 You can answer.

13 A The superintendent, Mr. Fisk, did not recommend  
14 that. He recommended changing from an  
15 assistant superintendent to a director of  
16 operations. Reorganized where it traditionally  
17 would have been the functions and duties within  
18 the superintendent's office, the way things had  
19 been done in the past, and he had a plan that  
20 he thought was a better way to operate the  
21 district. And the Board supported that.

22 Q Was Sue considered for the director of  
23 operations position?

24 A I was not part of discussion where we had that  
25 discussion, no.

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1           Do you recognize Lendum 106 as a letter  
2           that you received from Sue Goodsite?

3   A   Yes.

4   Q   You and the rest of the Board --

5   A   Yes.

6   Q   -- and Mr. Fisk?

7   A   Uh-huh.

8   Q   Did you respond to this letter?

9   A   I don't recall if I responded to it or not.

10   Q   Do you know if anybody did?

11   A   I have no knowledge if anybody else did or not.

12   Q   Mr. Fisk applied to leave the district for  
13       another position shortly after he accepted the  
14       position with Norwalk?

15   A   Yes.

16   Q   He didn't get that job?

17   A   He withdrew.

18   Q   He withdrew or he wasn't selected?

19   A   My understanding was that he withdrew.

20   Q   Huh. My understanding was that he wasn't  
21       selected.

22           Where is your understanding from?

23   A   I was never told that there was a selection  
24       process and he was not selected.

25   Q   If the documents from -- well, you understood

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1 that the district he applied to was North  
2 Canton?

3 A Yes.

4 Q If the documents from North Canton show that he  
5 was not selected, would that surprise you?

6 A I've never seen North Canton documents so ...

7 Q I'm just trying to understand where your  
8 understanding that he withdrew came from.

9 A I don't recall having the conversation with him  
10 about nonselection. Or maybe somebody else on  
11 the Board did.

12 Q Do you know where you got the impression that  
13 he withdrew?

14 A I believe it was in a Board meeting, but I  
15 can't -- I don't remember that for sure.

16 Q After he applied for that position, he was  
17 given a \$27,000 pay increase, is that correct?

18 A He had an agreement in the second year of his  
19 contract, I don't know what the dollar figures  
20 were, but his contract that he was hired under.

21 Q Did it concern you that he broke contract with  
22 East Palestine?

23 MR. HIRT: Objection.

24 You can answer.

25 A That was discussed during the interview

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1 Q Do you recognize this as the affidavit that you  
2 signed on June 1, 2015?

3 A Yes.

4 Q Do you know who Debra Schneider is?

5 A She's a notary in my office.

6 Q She's somebody who works for you?

7 A Yes.

8 Q You understood the importance of telling the  
9 truth in connection with this affidavit?

10 A I understood the importance of telling the  
11 truth as I knew it at the time I made the  
12 statement, yes.

13 Q Did you understand that this was a document  
14 that was going to be submitted to the federal  
15 government to rebut Sue Goodsite's EEOC charge?

16 A Yes.

17 Q Did you review Sue Goodsite's EEOC charge?

18 A I read it.

19 Q At the time that it was filed or served on the  
20 Board?

21 A Yes.

22 (Plaintiff's Exhibit 108 was marked.)

23 Q I'm handing you what has been marked as Lendum  
24 Exhibit 108.

25 Do you recognize Lendum Exhibit 108 as

Deposition of John Lendrum, taken September 27, 2017

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1            Sue Goodsite's first EEOC charge?

2 A Yes.

3 Q Do you recall receiving that around April of  
4 2015?

5 A I'm not sure of the exact date, but I remember  
6 receiving it.

7 Q Did you participate in the Board's or the  
8 school district's response to the EEOC charge?

9 A To the extent I was needed to provide  
10 documents, yes

11 0 Did you review it before it was submitted?

## 12 A The district's response?

13 O Yes.

14 A No.

15 Q Do you know if anybody did?

16 A I 'm sure --

17 MR. HIRT: Objection.

18 You can answer.

19 A I'm sure that counsel reviewed it, but as an  
20 individual Board member, I did not.

21 Q Do you know if any Board member reviewed it  
22 before it was submitted?

23 A I do not know that.

24 (Plaintiff's Exhibit 109 was marked.)

25 Q Lendrum Exhibit 109.